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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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1. Transmittal Form (1 pg); and
2. Response to Restriction Requirement (2 pgs).

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PTO/SB/21 (09-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/701,262	
	Filing Date	11/03/2003	
	First Named Inventor	Matthew J. Birdsall	
	Art Unit	1615	
	Examiner Name	Carlos A. Azpuru	
Total Number of Pages In This Submission	2	Attorney Docket Number	53233-00001

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Facsimile Transmission
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Firm Name	Preston Gates & Ellis LLP		
Signature	<i>Michelle S. Glasky</i>		
Printed name	Michelle S. Glasky		
Date	2/17/06	Reg. No.	54,124

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	Maria Nadal		
Typed or printed name	Maria Nadal	Date	2/17/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

Applicant: Matthew J. Birdsall

Serial No.: 10/701,262

Filed: 11/03/2003

Title: METALLIC COMPOSITE COATING
FOR DELIVERY OF THERAPEUTIC
AGENTS FROM THE SURFACE OF
IMPLANTABLE DEVICES

Examiner: Carlos A. Azpuru

Group Art Unit: 1615

Atty Docket No.: 53233-00001 (51298-00001)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RESPONSE TO RESTRICTION REQUIREMENT

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Sir:

In a Restriction Requirement in the Office Action mailed on January 31, 2006, restriction of the claims into one of five groups was requested. Applicants elect Group V, claims 43-54 drawn to a medical device. As this application has been made special and in order to expedite prosecution of this application, Applicants have elected Group II and canceled claims 1-42.

Applicants submit that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe a telephonic interview would be helpful, the Examiner is invited to contact Louis C. Cullman at 949-253-0900.

Application No.: 10/701,262
Group Art Unit: 1615
Applicant: Matthew J. Birdsall

PATENT
53233-00001 (51298-00001)

Although applicants believe that no fees are due with this response, the Commissioner is authorized to charge any fee which may be required in connection with this Notice or credit any overpayment to deposit account No. 50-3207.

Respectfully submitted,

Dated: 2/17/06

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